



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

JOHN L. HILL
ATTORNEY GENERAL

October 17, 1973

Honorable William H. Skelton
Chairman
Board of Pardons and Paroles
Room 501 John H. Reagan Bldg
Austin, Texas 78701

Opinion No. H- 132

Re: Effect of receipt of funds
from Criminal Justice
Council on appropriations
to the Board of Pardons
and Paroles

Dear Mr. Skelton:

You have submitted to us the following questions:

"(1) Can the Criminal Justice Council Grant No. 3-J1-1688, Computerized Data Management, which has been approved and will be effective September 1, 1973, to August 31, 1974, be implemented without the General Revenue Funds appropriated to the Board of Pardons and Paroles for 1973-74 year being reduced by the amount of the Grant?

"(2) If the Computerized Data Management Project is refunded by the Criminal Justice Council for fiscal year 1974-75, can the funds be used without the General Revenue Funds appropriated to the Board of Pardons and Paroles for 1974-1975 being reduced by the amount of the Grant?"

The General Appropriations Act for fiscal 1974 (House Bill 139, 63rd Legislature) states at page III-110:

"In the event that Criminal Justice funds are available to the Board of Pardons and Paroles for continuing programs being funded during the fiscal year ending August 31, 1973, then the amount of

General Revenue funds appropriated to the Board of Pardons and Paroles shall be reduced during each year of the biennium, beginning September 1, 1973 by the amount of Criminal Justice funds available for these purposes." (emphasis added)

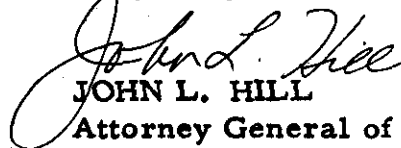
The Criminal Justice Council approved Grant Control No. 3-J1-1688, providing for Computerized Data Management for the Board of Pardons and Paroles for the period from September 1, 1973, to August 31, 1974. The Computerized Data Management, an automated system designed to improve the flow and procedures required to process the Board's workload, is a new program and was not funded during fiscal 1973, ending August 31, 1973.

The appropriations bill only provides "continuing programs being funded [by Criminal Justice Council grants] during the fiscal year ending August 31, 1973" will create a reduction of the General Revenue funds. The grant in question will not cause a reduction in General Revenue funds during fiscal 1974. In addition, it is our opinion that a refunding by the Criminal Justice Council of the Computerized Data Management program for fiscal 1975 will not result in a reduction in General Revenue funds for that year. The program will then be a "continuing program," but it still will not meet the condition of "being funded during the fiscal year ending August 31, 1973."

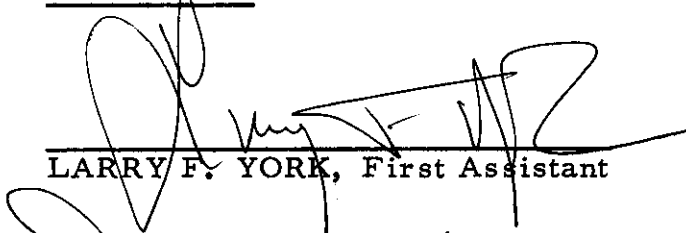
SUMMARY

A reduction in appropriations for the Board of Pardons and Paroles provided for by the Appropriations Bill in the event of refunding by the Criminal Justice Council of "continuing programs being funded during the fiscal year ending August 31, 1973," is not required where a new program is funded to commence September 1, 1973.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman
Opinion Committee